IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.413 OF 2006
WITH
CIVIL APPLICATION NO.501 OF 2006

Ms.Nalini Zaverchand Mehta & Ors. ..Appellants.

V/s.

Mrs.Sarla Jyotindra Mehta &
Ors. ..Respondents.

Mr.Soli Doctor with Mr. Shashi Jain & Mrs.Naina Desai i/b M/s.Shashi Jain & Co. for appellants.

Mr.Navnit Shah with Tanvi Gandhi i/b.Markand Gandhi & Co. for respondent Nos. 1 to 3.

Mr.Satyen Vora i/b Vishal Datta for respondent Nos.4 and 5.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 16, 2006.

P.C. :

1. Heard counsel for the parties.

2. I see no reason to depart from the ultimate conclusion reached by the court below in granting ad-interim relief as prayed by the plaintiff. Indeed, the appellants may be justified in saying that if the matter was heard for two and half hours, the court ought to have passed a detailed and reasoned order for rejecting the request of the appellants. Even so, in the fact situation of the

present case the view taken by the trial Court in the impugned order is a possible view for grant of ad-interim relief.

3. At this stage, counsel for the appellants fairly submits that the Court may not record detailed reason for upholding the impugned the order in this appeal, as it may influence the outcome of the proceedings pending before the trial Court. Accordingly, while disposing of this appeal, it is made clear that the trial court shall decide the Notice of Motion uninfluenced by the impugned order or for that matter the present order.

4. Having regard to the nature of controversy, essentially between the family members, the Trial Court shall finally dispose of the Notice of Motion, not later than 31st July, 2006. This direction is issued on the assurance given by counsel appearing for the parties that pleadings will be completed on or before 30th June, 2006, on which date the Motion is made returnable.

5. It will be open to the Trial Court to proceed with the hearing of the Notice of Motion on that date or on such other date while ensuring that notice of

Motion is disposed of by end of July, 2006. All questions are kept open, to be decided on merits in accordance with the law.

6. Appeal as well as civil application disposed of accordingly.